Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
07/29/10	CSD/LAX		

Incident Information

URN: None listed	Date: 11/03/09 Time: 0648
City or Station: Westminster	Nature of Incident: While off-duty, Deputy Green was at the ATM completing a transaction when the suspect demanded money from Green while pointing a handgun at Green. In fear for his safety, Deputy Green retrieved his fired a total of three rounds at the suspect, missing him. The suspect fled on foot from the scene. He was arrested by another agency for an unrelated incident. After follow-up, he was later arrested by Westminster PD.
Location: 14011 Beach Boulevard D.B.A. "Chase Bank"	

Location Type (*circle one or more*): Backyard, Beach, (Business), Freeway, Industrial, Park, (Parking Lot), (Residence), Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, Daylight, (Other), Street Lights

Weather (*circle only one*): (Clear), Cloudy, (Fog), Rain

Distance: 10-60 feet

Incident Type (*circle one or more*): Accidental, (Armed Person), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, (Other), Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, (Other), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐
3	0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM PM (Day)	Regular Overtime (Off Duty)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
				On Duty, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only

SH # 2254517

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/03/09	0830	07/21/10	

Employee #	Last Name	First Name	M.I
[redacted]	Kusch	Roderick	A.
[redacted]	Grote	Dinah	L.
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OO					NN	
E#1	S#1	FH	SW	38	N	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: None listed

Involved Employee

E 1

Employee #: [redacted]	Last Name: Green	First Name: Rulon	M.I.: C.
Sex: M Race: W	Rank: DSG	Unit Assignment: CSW/LAX	Work Assignment (Unit #, Module, etc.): Court
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): Regular Overtime (Off Duty)	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 7-8 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) Plain Clothes w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest Uniform no Vest Uniform w/ Vest	Other Factors:
Age: 30 Height:	Weight:		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson	Caliber: .38 # Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E__

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest Uniform no Vest Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E__

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest Uniform no Vest Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

Officer Involved Shooting
Suspect Information

URN: None listed

Suspect Information

S 1

Last Name: Hernandez-Luna		First Name: Jose	M.I.: G.
AKA Last Name: Hernandez		First Name: Jose	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: unemployed	Home Phone: [redacted]	Social Security #: unknown	Driver's License #: [redacted]
Age: 24 D.O.B. 02/15/86	Height: 5' 09" Weight: 130	FBI # [redacted]	CII # [redacted]
Booking # O.C. #2543055	Primary Charge: 664/211 P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
OFF-DUTY DEPUTY INVOLVED, NON-HIT SHOOTING
IAB #SH2254517

URN: None

DATE / TIME: Tuesday, November 3, 2009, 0649 hours

LOCATION: 14011 Beach Boulevard, Westminster, California, 92683
D.B.A. "Chase Bank"

SUSPECT: Jose Guillermo Hernandez, MH/24, Orange County Booking #2543055.

INVOLVED: Deputy Rulon Green, #[redacted], Off-Duty
Court Services - West Bureau / LAX Court

On November 3, 2009, the Internal Affairs Bureau's Force and Shooting Response Team responded to the City of Westminster regarding an off-duty deputy who was involved in a non-hit shooting. The team consisted of Lieutenant Roderick Kusch, and Sergeant's Dinah Grote and Laura Haynes. Attorney Angelica Arias of the Office of Independent Review also responded. Soon after, Court Services Division, Lieutenant's Christopher Reed and Brent Becker arrived on scene.

When the team arrived at the location there was an active command post and containment of the area for the outstanding suspect who fled on foot from the parking lot of the location. Investigators learned that the series of events which occurred, culminated into a deputy involved, non-hit shooting involving Deputy Rulon Green, off-duty at the time of the incident. The criminal investigation is being handled by Detective [redacted] from the Westminster Police Department.

SYNOPSIS:

On November 3, 2009, at approximately 0649 hours, Deputy Green drove his personal vehicle and parked in the parking lot behind the Chase Bank at 14011 Beach Boulevard, Westminster. Wearing plain clothes, he walked to the southernmost ATM, on the west side of the bank building, and made a deposit. He retrieved his ATM card from the ATM and noticed the above-described suspect nearby, behind him.

As he turned, the suspect displayed what appeared to be a silver semiautomatic pistol and demanded money from Deputy Green.

Deputy Green responded by saying he did not have any money. Simultaneously, he replaced his ATM card in his left front pant's pocket and retrieved his .38 caliber, five-shot Smith & Wesson revolver from the pocket, pointing it at the suspect. About the same time, the suspect pointed his pistol at Deputy Green, who responded by firing one bullet at the suspect from a distance of about 10 feet. The suspect backed away, but still pointed his pistol at Deputy Green, who fired a second bullet from a distance of about 30-40 feet. The suspect turned and ran in a northwesterly direction toward a nearby Wells Fargo Bank. He then stopped and came back toward Deputy Green. Believing the suspect was armed with a multi-round magazine in a semiautomatic pistol, Deputy Green fired one more bullet from a distance of about 50-60 feet. The suspect then turned and ran away west across the northern side of the Wells Fargo Bank (along Westminster Boulevard) and out of view. Deputy Green used his cellular telephone to alert the Westminster Police Department who responded within seconds.

After a lengthy area search that included the use of Blood Hound dogs, the suspect was not located. There was no evidence of a blood-trail and area hospitals were alerted. A silver-colored Air Soft projectile pistol was recovered about 1/4 mile away in an east/west alley, directly west of the ATM, just east of Cedarwood Street, Westminster. One of Deputy Green's bullets was recovered from a tree trunk that was close to the ATM. The other two expended bullets were not located. The shooting background included the closed Wells Fargo Bank, Westminster Boulevard, and open and closed businesses on the north side of Westminster Boulevard.

A Honda passenger car (California License #[redacted] was found parked in the mostly vacant parking lot, in front and west of Deputy Green's car. A key (on a key ring) was in the ignition and the radio was playing. Westminster Police Department personnel determined the Honda was an unreported stolen vehicle from nearby Garden Grove. In addition, they were following leads that another person was robbed at a nearby Chase Bank ATM in Garden Grove about 30 minutes prior to Deputy Green's incident.

After the shooting incident, Westminster Police Department retrieved Deputy Green's two-inch, Smith & Wesson, .38 caliber revolver. The cylinder contained two live Remington .38 caliber rounds, and three expended Remington .38 caliber casings. The magazine and live rounds were counted. The handgun and live rounds were taken as evidence, and later submitted to the Orange County Crime Lab for examination. Refer to the Crime Lab Report in ***Exhibit G.***

Westminster Police Department is investigating Deputy Green's attempted robbery under file number 09-09713, presented as ***Exhibit A***.

On November 5, 2009, a Newport Beach police officer conducted a traffic stop on a vehicle that was driven by a male, Jose Hernandez-Luna. In the officer's investigation, he saw a cut out newspaper article regarding a shooting incident that involved an off-duty deputy. Further investigation led to the arrest Suspect Hernandez-Luna. For further information regarding Suspect Hernandez-Luna's arrest, refer to Westminster Police Detective [redacted] supplemental report, ***Exhibit L***. For a copy of the suspect's audio interview and a copy of the newspaper article, refer to ***Exhibit M***.

> **IAB Note:** Suspect Hernandez was arrested by Newport Police Department for [redacted] The Orange County District Attorney's Office has charged Suspect Hernandez-Luna with several other crimes, a [redacted] out of the City of Santa Ana Police (reports #[redacted] and [redacted] out of the City of Garden Grove from October 28, 2009 to November 3, 2009 (DR's #[redacted]).

<u>INVOLVED PERSONNEL:</u>
GREEN, Rulon C.
Deputy Sheriff, Employee #[redacted]
Court Services - West Bureau / LAX Court

<u>WORK HISTORY:</u>

Date of Employment:	06/06/2007
Date assigned to Court:	10/14/2007
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

<u>EMPLOYEE WITNESS:</u>
[redacted]

<u>NON-EMPLOYEE WITNESSES:</u>
None.

<u>SUSPECT INFORMATION:</u>
HERNANDEZ-LUNA, Jose Guillermo, MH/24, DOB: 02/15/1986, 5' 09", 135 lbs.
[redacted]

CII #[redacted] CCHRS #[redacted] FBI #[redacted]

A check of [redacted] As an adult, Suspect Hernandez-Luna had [redacted] Refer to the [redacted] and picture of Suspect Hernandez-Luna in ***Exhibit N***.

> **IAB NOTE:** In a check of [redacted] System) revealed that there was [redacted] for Suspect Hernandez-Luna.

INJURIES:

There were no injuries to either Deputy Green or to Suspect Hernandez.

PHYSICAL EVIDENCE:

Located in a tree adjacent to the ATM sidewalk was a bullet strike mark, and an expended bullet with metal fragments. Three expended Remington .38 Special +P caliber, and two live Remington .38 Special +P caliber, hollow-point, rounds were found in Deputy Green's two inch Smith & Wesson revolver.

Located in the alleyway west of the Chase and Wells Fargo banks was a metal replica 9mm handgun, replica handgun magazine, a spring, plastic barrel, and hammer of a gun. For further, refer to the supplemental reports regarding the replica firearm, presented as ***Exhibit's I and J***.

The evidence and the general area was photographed by Westminster Police Department Forensic Specialist, [redacted] The evidence and scene was documented by Traffic Public Safety Officer [redacted] through a sketch and measurements. For further, [redacted] evidence report ***Exhibit J***. Copies of the sketch and photographs (CD) are presented as ***Exhibit K***.

> **IAB Note:** Public Safety Officer [redacted] could not locate her notes and/or copy of her report of the measurements taken at the crime scene.

INVESTIGATORS' OBSERVATIONS:

The intersection of Westminster and Beach Boulevard's is comprised of various businesses. Chase Bank is located on the south west corner of Beach and Westminster Boulevards. The west side of Chase Bank has two Automated Teller Machines. Directly south of the ATM's in the same parking lot, is a closed business. On the west and south sides of the ATM's is a parking lot shared by the Wells Fargo Bank. On the north side of Westminster Boulevard are businesses. South of both banks is an east/west bound alleyway. From the east to the west, the alleyway traffic starts west of the Wells Fargo Bank. The alleyway continues west behind the north side single family residences on 16th Street past Pacific Avenue to Cedarwood Street, where it dead-ends.

Further south of the parking lot is 16th Street, which is an east/west street consisting of single family residences on both sides of the street. For a sketch of the scene, refer to ***Exhibit K.***

WEAPONS USED BY INVOLVED PERSONNEL:

Deputy Rulon Green carried a two-inch, Smith & Wesson, Model 442, five-shot, blue-steel revolver, serial #[redacted], with "Remington" .38 Special +P brand ammunition. Deputy Green carried his weapon with five rounds in the chamber. During the incident, he fired three rounds. Following the shooting, Deputy Green's revolver was recovered and he had two live rounds and three expended casings in the chamber, all "Remington" .38 Special +P brand ammunition. The revolver and ammunition was submitted to the Orange County Crime Lab for examination. For further, refer to the lab report in ***Exhibit G***.

Prior to the shooting, Deputy Green had not been trained or authorized by the Department to carry the revolver, off-duty. Also, per Weapons Training Sergeant David Nell, the "Remington" ammunition used by Deputy Green was not authorized. On December 23, 2009, Deputy Green passed the off-duty revolver training course, and he last qualified with his revolver on [redacted] For further, refer to his [redacted], presented as ***Exhibit H.***

For further regarding the retrieval and bullet count for Deputy Green's weapon, see ***Exhibit's D and F***.

WEAPON USED BY THE SUSPECT:

Suspect Hernandez pointed an air-soft pellet/bb (a replica handgun) at Deputy Green. For further, refer to a photograph and an evidence report, listed in ***Exhibit's I and J***.

PROPERTY DAMAGE:

During the shooting, a bullet strike was located on a tree. Upon closer inspection, a bullet and fragments were lodged in the trunk, and later removed.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Westminster P.D. Detective [redacted]
Court:	West (Orange County)
Charges Filed:	664/211 P.C.
DA Case Number:	09WF2345

Orange County District Attorney Brock Zimmon, "Special Prosecutions" Division, filed multiple charges against Suspect Hernandez-Luna. On February 10, 2010, he was held to answer on the above charge, and nine other charges.

On July 2, 2010, Suspect Hernandez-Luna pled guilty to seven years in prison.

LIGHTING AND WEATHER CONDITIONS:

It was a foggy morning, with some overhead posted parking lot lights.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Rulon Green *was interviewed as a victim by Westminster Police Detective* [redacted] *on November 3, 2009. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions, "Westminster Interview,"*** *section of the casebook. Below is a summarized version of his interview with Westminster Detective* [redacted]

Deputy Green stated he was standing at the Chase Bank south walk-up ATM completing his transaction when the suspect approached him from behind. As Deputy Green turned around to face the suspect, he saw the suspect pointing a handgun at him and demanding money from Deputy Green.

Placing his ATM card inside his left front pants pocket, Deputy Green retrieved his two-inch revolver from his pocket and pointed it at the suspect. The suspect raised his weapon toward Deputy Green's chest and took a step backwards. Fearing for his life, Deputy Green fired one round at the suspect. The suspect continued to backpedal while still holding the handgun on Deputy Green. Again, Deputy Green fired another round at the suspect.

The suspect then turned and ran in a north west direction through the parking lot. He then stopped, turned, and walked back toward Deputy Green still pointing his weapon at Deputy Green. Deputy Green fired a third round at the suspect, at which point the suspect turned and ran back in a north west direction to the north side of a Wells Fargo Bank. For Deputy Green's complete statements, refer to **Exhibit A**.

Deputy Rulon Green *as interviewed by IAB Sergeant's Dinah Grote and Laura Haynes on February 22, 2010, at 1025 hours, at the IAB Commerce office. He was represented by Derald Brenneman from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts, listed under the* ***Transcriptions - "IAB Interview,"*** *section of the casebook.*

Deputy Green explained that Deputy [redacted] is his car-pool partner and that they meet at his residence in the City of Westminster. When Deputy [redacted] arrived, Deputy Green advised that he was going to the bank to make a deposit and would be back shortly. While completing his ATM transaction at Chase Bank, Deputy Green felt a presence behind him. He turned to look back over his left shoulder as he simultaneously placed his ATM card inside his left front pants pocket. The suspect said, "Give me all your money mother-fucker," and pointed a silver steel, 9mm, handgun into Deputy Green's lower back.

With his left hand inside his pocket, Deputy Green retrieved his two-inch "Smith & Wesson" revolver from his left front pant's pocket. He transferred the revolver from his left hand to his right, and pointed it at the suspect who now took a step backward off the ATM sidewalk, and raised his handgun toward Deputy Green's chest. In fear for his life, Deputy Green took a step backward and fired one round at the suspect at a distance of approximately 10 feet.

The suspect lowered his weapon and continued to backpedal in a north west direction through the parking lot. Deputy Green retreated backwards in a southeasterly direction, while the suspect again raised his weapon toward him. Fearing he would be shot and wanting to create some distance between them, Deputy Green fired another round at the suspect from a distance of 30-40 feet. The suspect then turned and ran in a north west direction for a few steps and then immediately stopped. The suspect turned around and started to walk back toward Deputy Green.

Fearing the suspect was going to come back to kill him and knowing there was only a few rounds left, Deputy Green fired a third round at the suspect at a distance of approximately 50-60 feet. The suspect then turned and ran north west through the parking lot onto the Westminster Boulevard sidewalk, running west bound in front of the Wells Fargo Bank, and out of view.

Retreating behind the south side of Chase Bank, Deputy Green pulled out his flat badge, hung it from his neck collar, and called 9-1-1, to report the attempt robbery. When Westminster Police Department officers arrived, he gave them additional suspect information. He called Deputy [redacted] and told him what had occurred, and instructed Deputy [redacted] to contact their supervisor.

During the incident, Deputy Green stated he heard a gun shot and he was scared and feared the suspect would kill him.

Deputy Green stated he was not aware that he had to take a course or qualify with his two-inch revolver in order to carry the handgun, off-duty. He said the suspect holding the gun was his target acquisition and the suspect's backdrop was the east side brick-faced walls of the closed Wells Fargo Bank.

For further, refer to the audio 9-1-1 call for service and (5) photographs of Deputy Green's ATM transaction, ***Exhibit B***. Deputy Green documented the off-duty incident on a Memorandum and he provided a diagram depicting the scene, presented in ***Exhibit C***. For a copy of Deputy Green's Training Records, refer to ***Exhibit H***.

EMPLOYEE WITNESS STATEMENTS:

Deputy [redacted] *was telephonically interviewed on February 4, 2010, at 1128 hours. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy [redacted] stated he and Deputy Green are car-pool partners and their meeting location is at Deputy Green's house in the City of Westminster. When he arrived at Deputy Green's house, Deputy Green told [redacted] that he was going to the bank to make a deposit and he left in his car.

At approximately 0658 hours, Deputy [redacted] received a cellular phone call from Deputy Green. Deputy Green told him that someone attempted to rob him and that he (Green) might have shot that person. After obtaining information about Deputy Green's location, Deputy [redacted] drove to the crime scene. He saw the area was taped off and police officers were on scene. He called his supervisor, Sergeant Tony Taylor, and advised him of Deputy Green's shooting. He remained at the crime scene until being directed to go to Westminster Police Department to wait for further instructions.

Deputy [redacted] documented the off-duty incident on a Memorandum, which is presented as ***Exhibit E***.

NON-EMPLOYEE WITNESS STATEMENTS:

None.

SUSPECT STATEMENT:

Jose Hernandez-Luna *was interviewed by Westminster Police Department Detectives* [redacted] *and* [redacted] *on November 6, 2009. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts, which was provided by Westminster Police Department, listed under the* ***Transcriptions*** *section of the casebook. Below is a summarized version of his interview. For his complete summarized statements, refer to Detective* [redacted] *arrest report, listed in* ***Exhibit L****.*

Suspect Hernandez-Luna stated he was having financial problems and that he needed money. After stealing a car in the City of Garden Grove, Suspect Hernandez-Luna drove to the area of Westminster and Beach Boulevards and saw Deputy Green alone at the Chase Bank ATM. As he approached Deputy Green on foot, his bb gun (a replica handgun) was pointed downward in his right front jacket pocket. He contacted Deputy Green and said, "Give me your money." The suspect stated Deputy Green "pulled out a gun and started shooting" at him (suspect), so he ran.

Suspect Hernandez-Luna said Deputy Green fired at him a "couple of times." He believed Deputy Green's gun was fake because he was not hit. When asked the whereabouts of the bb gun, Suspect Hernandez-Luna said he "probably dropped it."

MISCELLANEOUS SECTION:

None.